

## KASOWITZ, BENSON, TORRES &amp; FRIEDMAN LLP

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April 27, 2010

Melissa Rhoads, Esq.  
U.S. District Courthouse  
402 East State Street, Room 2020  
Trenton, NJ 08608

Re: Issuance of Summons and Service  
Boteach v. Socialist People's Libyan Arab Jamahiriya et al.  
Civil Action No. 09-cv-05344-WJM-MJ

Dear Ms. Rhoads:

We represent Plaintiffs in the above-referenced action. We write to request that the Clerk of Court issue a Summons for defendant Socialist People's Libyan Arab Jamahiriya ("Libya"). We also write to request clarification regarding the Clerk's procedures for service of the Summons, Complaint, and Notice of Suit upon Libya as required by the Foreign Sovereign Immunities Act ("FSIA"), including 28 U.S.C. § 1608.

Thank you for discussing these issues with me on Friday. As we discussed, and as per my conversations with Marie Noons in the Newark Clerk's office, we request that the Clerk issue a Summons so that Plaintiffs may effect service on defendant Libya. Plaintiffs may only serve defendant Libya, a foreign state, pursuant to the requirements of the FSIA. As per our conversation, the Summons must state that the defendant has sixty days to respond after service. See 28 U.S.C. § 1608(d) ("In any action brought in a court of the United States or of a State, a foreign state, a political subdivision thereof, or an agency or instrumentality of a foreign state shall serve an answer or other responsive pleading to the complaint within sixty days after service has been made under this section.").

Please let us know if you require any additional information from us in order to issue the Summons. Once we have received the Summons from the Clerk, Plaintiffs will translate the Summons as required by 28 U.S.C. § 1608(a)(3).

We further request clarification from your office concerning the Clerk's procedures for addressing and dispatching the Summons, Complaint, and Notice of Suit to Libya. The FSIA requires that these documents "be addressed and dispatched by the clerk of the court to the head of the ministry of foreign affairs of the foreign state concerned." 28 U.S.C. § 1608(a)(3) (emphasis added). This section further states that the Clerk must mail the documents "by any

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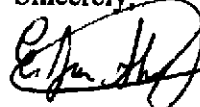
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form of mail requiring a signed receipt." Please let us know what information or documentation you will require for the Clerk to effect service in compliance with this section of the FSIA.

Finally, after the Clerk has addressed and dispatched the documents, we respectfully request that the Clerk provide Plaintiffs with a certificate of mailing, tracking numbers, and the signed receipt confirming delivery.

Thank you again for your assistance in this matter and please do not hesitate to contact us with any questions or concerns.

Sincerely,



Eric J. Stieglitz